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# Security Council

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## Letter dated 21 December 2004 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

Please find attached herewith a copy of the letter that I have just addressed to the Secretary-General (see annex) concerning his third progress report on the United Nations Operation in Côte d'Ivoire (ONUCI) (S/2004/962).

I shall be grateful for any steps which you may see fit to take to have this letter issued as a document of the Security Council.

(*Signed*) Philippe **Djangoné-Bi**
Ambassador
Permanent Representative

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## Annex to the letter dated 21 December 2004 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

## Letter dated 21 December 2004 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the Secretary-General

Pursuant to Security Council resolution 1528 (2004), you have just published your third progress report on the United Nations Operation in Côte d'Ivoire (ONUCI) (S/2004/962), which covered major developments in Côte d'Ivoire since your previous report of 27 August 2004 (S/2004/697). On the instructions of my Government, I have the honour to bring to your attention the comments of the Republic of Côte d'Ivoire on this report.

Although you characterized it as exhaustive, the report fails to take into account several relevant concerns on the ground and to address the concerns expressed by the Ivorian President and Government well before its preparation. Since no responses were forthcoming from you, we naturally anticipated that such concerns would be covered in this report.

Furthermore, by lending credence in a somewhat biased manner to statements by parties not involved in the Ivorian conflict, you appear suspicious of the Ivorian Government's statements. Hence your apparent reluctance to initiate an impartial international investigation into the real circumstances surrounding the events that occurred in Côte d'Ivoire from 4 to 10 November 2004.

Indeed, President Laurent Gbagbo requested in his letter of 6 November 2004 transmitted to your cabinet on 7 November, that the Security Council should hold an emergency meeting on France's "reprisals", which, by any reckoning, constitute serious breaches of the Charter of the United Nations and of the sovereignty of the Ivorian State. I reiterated that request in my letters dated 6 and 8 November 2004 addressed to you.

Following the interview you granted me on 10 November 2004, I addressed two letters to you once again drawing your attention to the Ivorian authorities' insistence that an impartial international inquiry be conducted into the events of 6 to 10 November 2004 in our country and that the French operation Licorne force should be placed under the command of the United Nations Operation in Côte d'Ivoire.

I also made a request for specific support from the United Nations for the implementation of phases of the disarmament, demobilization, repatriation and resettlement process, which are prerequisites for the restoration of territorial integrity and State control over the entire Ivorian territory as well as for the launching of preparations for the 2005 referendum and general elections. The outcome of that lawful process would restore peace to Côte d'Ivoire and would help to initiate urgent efforts in the areas of post-conflict reconstruction, peacebuilding, national and subregional security, national and subregional reconciliation, democracy and good governance and human and comprehensive development.

The Ivorian Minister of Human Rights also made a similar request for your assistance in her letter of 2 December 2004.

Trusting that your failure to react so far to the urgent concerns it brought to your attention stems from the fact that you are still considering them, my Government hopes for a favourable response to those concerns in due time.

Your report contained in document S/2004/962 calls for a number of comments, which I would like to sum up as follows:

(a) Your statements to the effect that some provisions of the Ivorian Constitution are symptomatic of the whole Constitution would be more convincing and objective if they went as far as quoting such provisions instead of providing an interpretation thereof. Thus, for example, article 127, paragraph 1, of the Constitution provides that: "no amendment proceedings shall be undertaken or pursued while the integrity of the territory is undermined", which is not clearly suggested by the second half of the second sentence of paragraph 8 of your report, which reads as follows: "and went on to cite article 127 of the Ivorian Constitution, which stipulates that no constitutional amendment may be pursued when there is a threat to the territorial integrity of the State";

(b) Private companies, la Société de Distribution de l'Eau de Côte d'Ivoire (SODECI) and the Compagnie Ivorienne d'Electricité, have been granted concessions for the supply of water and electricity in Côte d'Ivoire under concession contracts which are monitored on behalf of the Ivorian State by regulatory national agencies. Such agencies are still reviewing with the above-mentioned companies the actions necessary to ensure strict compliance with applicable international humanitarian law under the relevant contracts and under other areas of international law. However, it should be noted that this vital requirement of international humanitarian law also requires that the disarmament of armed groups should be expedited in order to restore the authority of the State throughout Ivorian territory and allow the State to ensure that utilities providing basic services operate in a secure environment;

(c) Your statement that "some ('young patriots' were) armed with guns (when) they surrounded and forcefully tried to take over the Gulf Hotel (in Abidjan), where several Force nouvelles Ministers [...] were residing ..." (para. 15) is questionable. Following a detailed investigation, the calumny that one would have the international community buy into, and which suggests that some "young patriots" are armed, has been categorically refuted by the Ivorian Minister of the Interior. The "young patriots" are a lawfully constituted entity; they are not beholden to any Ivorian political party and are, to judge from their status and their authorized demonstrations, only defending the cause of the Republic of Côte d'Ivoire. Indeed, the time may have come for an impartial international enquiry into the real architects behind these disinformation campaigns;

(d) Your endorsing the allegations that "tensions in Abidjan and other major towns heightened quickly, fuelled by messages broadcast on State-run radio and television by supporters of President Gbagbo inciting hatred and violence against French forces and also French citizens" (para. 19), gives Côte d'Ivoire justifiable cause to request that you produce the evidence available to you so as to assist it in completing rapidly its investigations into such allegations and initiating appropriate action against those behind such dangerous calls for hatred and violence as well as to quickly restore law and order on its territory, a prerequisite to the restoration of security throughout Côte d'Ivoire;

(e) Lastly, is not your placing quotation marks around the statements of the French Minister of Defence: "legitimate self-defence" and "France could not but respond to the attack" (para. 18) while failing to do so with respect to the Ivorian authorities' statement concerning violations of the sovereignty and territorial integrity of the country by the French military a significant departure from your duty to be neutral?

(*Signed*) Philippe **Djangoné-Bi**
Ambassador
Permanent Representative